

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Lionel Harris,

Plaintiff,

v.

Case No. 2:16-cv-888

Aaron Sowers, et al.,

Defendants.

ORDER

Plaintiff, an Ohio inmate, brings this action against employees at the Madison Correctional Institution ("MCI"). Plaintiff alleges that the prison mail room mishandled a letter sent to him by his wife, and that Jill Gillespie, MCI's institutional inspector, retaliated against him for using the grievance procedure to complaint about the mishandling of his mail by misrepresenting facts to the Correctional Institution Inspection Committee of the Ohio General Assembly and by failing to investigate his claims. On November 14, 2016, the magistrate judge filed a report and recommendation on the initial screen of plaintiff's complaint pursuant to 28 U.S.C. §1915A, which requires the court, "in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity," to dismiss a complaint that fails to state a claim upon which relief may be granted. 28 U.S.C. §1915A(a)-(b)(1). The magistrate judge concluded that plaintiff's complaint fails to state a retaliation claim against Gillespie for which relief could be granted. The magistrate judge recommended that the retaliation claims against Gillespie be dismissed, but that plaintiff be

permitted to proceed with his remaining claims.

The report and recommendation specifically advised the parties that the failure to object to the report and recommendation within fourteen days would result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. Doc. 8, pp. 7-8. The time period for filing objections to the report and recommendation has expired, and no objections have been filed.

The court has reviewed the report and recommendation, and agrees with the recommendation of the magistrate judge. The report and recommendation (Doc. 8) is adopted. The retaliation claims against Gillespie are hereby dismissed pursuant to 28 U.S.C. §1915(e)(2)(B) for failure to state a claim for which relief may be granted. Plaintiff shall be permitted to proceed on his remaining claims. The clerk is directed to send a copy of this order to the Ohio Attorney General's Office, 150 E. Gay St., 16th Floor, Columbus, Ohio 43215.

Date: December 19, 2016

s/James L. Graham
James L. Graham
United States District Judge